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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,029	10/10/2003	Teruhiro Nakamiya	520.43192X00	8012
20457	7590	06/03/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			LETSCHER, GEORGE J	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/682,029	NAKAMIYA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	George J. Letscher	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/10/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: in claim 1, the “disk-like” medium of lines 3 and 5 should be –disk-- to avoid confusion as to the exact make-up of the medium. In line 10, “receive” should be --received--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Price et al (US 6,356,409).

The aforementioned claims recite the following features, *inter alia*, disclosed in Price et al (US 6,356,409): an unbalance correcting method having a disk device (11) attached onto a spindle motor comprising: a disk recording medium (15); a cylindrical rotary portion (17); attaching a balance weight receiving portion (41, 43) on one or both end surfaces of the rotary portion prepared for receiving a balance weight (37) in an inside of the receiving portion, said balance weight to be received in the weight receiving portion

having a C-shape and elasticity; and attaching at least one auxiliary weight (35) attached to a portion of the balance weight. See Figure 3-6 of Price et al.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al.

The description of Price et al is in paragraph 3, supra. Additionally, Price et al show the auxiliary weight attached to a portion of the balance weight (its inner radius) at its lower to upper inner periphery via a grooved fit; see column 4, lines 16-21 of Price et al.

Regarding claim 2, Price et al does not show its C-shaped auxiliary weight being

U-shaped with the opening portion of the U-shape attached from an inner periphery to an outer periphery of the C-shaped balance weight. Price et al's auxiliary weight has elasticity and a portion of its weight is between the C-shaped portion via the grooved arrangement embodiment. The welding and bonding attachments of the weights are methods which have only been accorded weight as to the final product they contribute – in this instance, the weights are accorded weight for being attached.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have furnished the C-shaped balanced weight and attached C-shaped auxiliary weight of Price et al modified with the auxiliary weight being U-shaped weight attached to the balance weight inner and outer periphery. The rationale is as follows: one of ordinary skill in the art would have been motivated to have furnished the C-shaped balanced weight and attached C-shaped auxiliary weight of Price et al modified with the auxiliary weight being U-shaped weight attached to the balance weight inner and outer periphery since one of ordinary skill in the art would have readily recognized that the C-shaped auxiliary versus U-shaped auxiliary member merely represented an obvious change in shape of the auxiliary member for an alternative grooved fit between the weights which achieved the similar outcome of weight interaction in Price et al.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elsing (US 6,608,733) shows multiple weights (42) utilized in a two-plane balance system for spindle motors.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George J. Letscher whose telephone number is 571-272-7591. The examiner can normally be reached on a Conventional work schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-437-3785 (toll-free).



George J. Letscher  
Primary Examiner  
Art Unit 2653

GJL  
5/29/05